

APPEAL NO. 162382  
FILED JANUARY 26, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 18, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that the compensable injury of (date of injury), extends to a right arm biceps tendon strain, lateral epicondylitis with tendonitis, and a right arm partial biceps tendon tear and that the respondent (claimant) is entitled to reimbursement of travel expenses incurred on July 24, 2015, and September 25, 2015, for medical treatment at the direction of (Dr. A) in the amount of \$190.90.

The appellant (carrier) appealed the hearing officer's decision arguing that such determinations are contrary to the evidence.

The appeal file does not contain a response from the claimant.

**DECISION**

Affirmed in part and reversed and rendered in part.

The claimant testified that he injured his right elbow on (date of injury), while using a heavy probe bar to locate underground piping. The parties stipulated that the claimant sustained a compensable injury on (date of injury), that includes at least a right elbow strain. The claimant further testified that he sought medical attention with Dr. A, whose office is located in (city), Texas, more than 80 miles from the claimant's residence in (city), Texas, because Dr. A is an orthopedic doctor who has previously treated the claimant and the claimant's son and because there are no doctors qualified to treat the compensable injury in (city), Texas.

**TRAVEL REIMBURSEMENT**

That portion of the hearing officer's determination that the claimant is entitled to reimbursement of travel expenses incurred on July 24, 2015, and September 25, 2015, for medical treatment at the direction of Dr. A in the amount of \$190.90 is supported by sufficient evidence and is affirmed.

**EXTENT OF INJURY**

The hearing officer's determination that the compensable injury of (date of injury), extends to a right arm biceps tendon strain and lateral epicondylitis with tendonitis is supported by sufficient evidence and is affirmed.

In the Discussion section of her decision, the hearing officer correctly stated that the disputed conditions in this case, with the exception of a right arm biceps tendon strain, are outside the common knowledge and experience of the fact finder and require expert evidence to establish a causal connection with the compensable injury. The hearing officer further stated that the claimant, relying upon the medical record and a causation letter from Dr. A, met his burden to establish by expert medical evidence that the compensable injury extends to a right arm partial biceps tendon tear. We disagree. In his letter dated June 9, 2016, Dr. A stated the compensable injury was a producing cause of symptoms for both lateral epicondylitis and a biceps tendon strain but made no mention of a partial biceps tendon tear. Neither Dr. A's causation narrative nor the medical record in the case establish within reasonable medical probability that the compensable injury caused or aggravated a right arm partial biceps tendon tear. Accordingly, we reverse that portion of the hearing officer's determination that the compensable injury of (date of injury), extends to a right arm partial biceps tendon tear and render a new decision that the compensable injury of (date of injury), does not extend to a right arm partial biceps tendon tear.

### **SUMMARY**

We affirm the hearing officer's determination that the claimant is entitled to reimbursement of travel expenses incurred on July 24, 2015, and September 25, 2015, for medical treatment at the direction of Dr. A in the amount of \$190.90.

We affirm that portion of the hearing officer's determination that the compensable injury of (date of injury), extends to a right arm biceps tendon strain and lateral epicondylitis with tendonitis.

We reverse that portion of the hearing officer's decision that the compensable injury of (date of injury), extends to a right arm partial biceps tendon tear and render a new decision that the compensable injury of (date of injury), does not extend to a right arm partial biceps tendon tear.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3232.**

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K. Eugene Kraft  
Appeals Judge

CONCUR

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge